

Minutes - Board Meeting – 12/16/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 16, 2015 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Superintendent of Public Works Thomas J. Rini

Press Observers: *Mineola American*

Sunshine Observers: 7 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:50 PM

A Public Hearing was held at 6:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING SECTION 550-5 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “GENERAL REGULATIONS”, SUBSECTION I, ENTITLED “DEVELOPMENT INCENTIVE BONUSES” CONFIRMING THE BOARD OF TRUSTEES’ THRESHOLD DISCRETIONARY AUTHORITY TO CONSIDER APPLICATIONS FOR DEVELOPMENT INCENTIVE BONUSES

No speakers addressed the Board

Resolution No. 341-15

Resolved to adopt a Local Law amending Section 550-5 of the Municipal Code of the Incorporated Village of Mineola entitled “General Regulations”, Subsection I, entitled “Development Incentive Bonuses” confirming the Board of Trustees’ threshold discretionary authority to consider applications for development incentive bonuses.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss requested a motion to close the public hearing at 6:55 PM

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Mayor Scott P. Strauss called the Work Session to order at 6:55 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Superintendent of Public Works Thomas J. Rini

Press Observers: *Mineola American*

Sunshine Observers: 7 Observers

Superintendent of Public Works Thomas J. Rini introduced Bill Merklin of Dvirka & Bartilucci Engineers for the purpose of making a presentation on potential upcoming capital improvements for the Water Fund infrastructure.

Resolution No. 342-15

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 343-15

Resolution authorizing a public bid for the Roof Rehabilitation at the Central Garage and Elm Place Firehouse:

Engineers: D & B Engineers & Architects, P.C.
Funding Source: 2015/2016 General Fund Budget and/or General Fund Unreserved Fund Balance

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		

Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 344-15

Resolution designating the newly constructed parking lot on the south side of Second Street, west of Roslyn Road as Village Parking Field No. 24, with 2 Hour Metered Parking and No Commercial Parking with enforcement days Monday through Saturday, from 8:00 a.m. to 6 p.m.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Village Attorney John P. Gibbons, Jr. introduced the following resolutions for the Board’s consideration:

Resolution No. 345-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

SPRINT SPECTRUM, LP

DECISION

For a Special Permit pursuant to Chapter 534 of the Code of the Incorporated Village of Mineola, at premises known as 114 Old Country Road, Mineola, New York 11501, known and designated on the Nassau County Land and Tax Map as Section 9, Block 350 Lots 4-7, 13-17.
-----X

NAME OF APPLICANT:	Sprint Spectrum, LP
SUBJECT PROPERTY:	Section 9, Block 4350, Lots 4-7, 13-17
STREET LOCATION:	114 Old Country Road Mineola, New York 11501
RELIEF REQUESTED:	Application For a Special Permit for the installation of a wireless communication facility upon the rooftop of the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	November 18, 2015
APPEARANCES:	Greg Alvarez, Esq. Saseen Abujawdeh, Engineer

DECISION:

The applicant, Sprint Spectrum, LP (hereinafter, “Applicant”), seeks a special use permit from the Board of Trustees of the Incorporated Village of Mineola pursuant to Chapter 534 of the Code of the Incorporated Village of Mineola, entitled “Wireless Telecommunications Towers and Facilities”, Section 534.4, entitled “Special Use Permits”, for the installation of a wireless communication facility upon the property known as 114 Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 350, Lots 4-7, 13-17) (hereinafter, the “Property”).

By Notice of Disapproval, dated July 24, 2015, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the installation of a wireless communication facility upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special permit to install a wireless communication facility upon the rooftop of the Property;
- 2) Applicant is requesting to locate on the Property because of the service deficiency that has existed since its equipment was removed from the now demolished 250 Old Country Road Keyspan Building;
- 3) Applicant’s equipment will be screened by the existing screening on the roof which currently screens the buildings mechanicals;
- 4) The equipment will not add any additional height to the existing building and the overall construction of the antennas and equipment shall be in accordance with the plans submitted with the application; and
- 5) The proposal is in compliance with the FCC regulations.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the “B-3” District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. **IT IS THEREFORE RESOLVED**, that the Special Permit is **GRANTED** subject to the following conditions:

- 1) The equipment shall be completely screened by RF compatible concealment material screen to match the existing concealment on the roof of the building;
- 2) In the event that the façade of the existing building shall be altered in the future, the RF compatible concealment material screen shall be simultaneously changed to match the new building façade;
- 3) The Board of Trustees shall retain continuing jurisdiction with respect to the equipment screening;
- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special use permit;
- 5) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special use permit; and
- 6) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
December 16, 2015

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

Yes

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

No

Abstain

Resolution No. 346-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MINEOLA PROPERTIES LLC

AMENDED DECISION

For the modification of a Special Use Decision for the construction a 315 unit residential rental building upon the property located at Old Country Road and Third Street and bounded on the east by Third Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 675, Lots 2A-2B.

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NAME OF APPLICANT: Mineola Properties LLC

SUBJECT PROPERTY: Section 9, Block 675, Lots 2A-2B

STREET LOCATION:	Old Country Road and Third Street, bounded on the east by Third Avenue, Mineola, New York 11501 (the “Property”)
ZONING DISTRICT:	Business "B-3" District
RELIEF REQUESTED:	Modification to Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 in order to reduce the apartment count by 4 units and to create approximately 5,300 square feet of retail space
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations
DATE OF HEARING:	December 9, 2015
APPEARANCES:	Kevin M. Walsh, Esq., Applicant’s Attorney Kevin Lalazerian, Principal

Mineola Properties, LLC (hereinafter, “Applicant”) is seeking a modification to the Special Use Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 for the construction and maintenance of a rental apartment building containing a total of 315 rental units (283 market rental units and 32 next-generation, workforce, first responder units) at the Property. Applicant is now requesting the elimination of four (4) residential apartment units in order to create approximately 5,300 square feet of retail space. Retail space is permitted in the B-3 District. The proposed modification will reduce the total number of rental units to 311. The proposed modification will also change the parking counts for the Property. The retail space build-out will reduce the parking available for the residential units from 467 parking spaces to 426 parking spaces. Applicant has stated that it will assign one (1) parking space to each tenant as part of their lease. The remaining 115 spaces will be assigned based upon the needs of the tenants. In addition, Applicant, through an affiliate, has purchased the office building at 330 Old Country Road, Mineola. The office building contains approximately 500 on-site parking spaces. Applicant has indicated that a study conducted at 330 Old Country Road has confirmed that the office building is approximately 97% occupied and there exists approximately 100 available parking spaces. Applicant has offered to utilize the available parking spaces at 330 Old County Road, Mineola in the event that Applicant’s tenants require a second parking space and the remaining 115 spaces have been assigned. Applicant acknowledges that all other terms, conditions and representations set forth in the Special Use Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 shall remain in full force and effect and are hereby incorporated by reference to this Amended Decision. A copy of the Special Use Decision, dated

December 19, 2012, and filed with the Village Clerk on December 20, 2012 is attached to this Decision as Exhibit A.

The Board has carefully reviewed the testimony presented at the Public Hearing and the materials submitted in connection with the Application for modification.

DECISION

It is hereby determined that the granting of the Application for modification of the Special Use Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 requesting the elimination of four (4) residential apartment units in order to create approximately 5,300 square feet of retail space, shall advance the Village's specific physical, cultural and social policies in accordance with the Village's comprehensive plan and in coordination with community planning mechanisms and land use techniques. Further, it is hereby determined that the proposed retail space was originally contemplated for the relocation of the Citibank Building presently located at 199 2nd Street, Mineola, New York. Such relocation will provide a desirable facility to the area, will promote the revitalization of the Village's Downtown, and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, as follows:

- 1) The Application to modify the Special Use Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 for the for the elimination of four (4) residential apartment units in order to create approximately 5,300 square feet of retail space is **GRANTED**.
- 2) The Application to modify the Special Use Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 for the for the reduction of on-site residential parking spaces from 467 to 426 is **GRANTED**.
- 3) Applicant shall assign each tenant one (1) parking space at the Property and the parking space shall be included as part of their lease.
- 4) Applicant shall maintain at least 41 on-site parking spaces at 330 Old Country Road, Mineola, New York in order to provide sufficient residential parking for tenants at the Property, if necessary. In the event that Applicant seeks to modify, amend and/or relocate any of the 41 on-site parking spaces from 330 Old Country

Road, Mineola, New York, Applicant shall re-apply to the Board of Trustees for permission.

- 5) All remaining terms, conditions and representations of the Special Use Decision, dated December 19, 2012, and filed with the Village Clerk on December 20, 2012 shall remain in full force and effect and are hereby incorporated by reference to this Decision. See Exhibit A.
- 6) The representations made by Applicant on the record in this proceeding have been deemed material to this Application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this modification of special use permit.
- 7) Violation of a condition set forth in this decision shall be deemed a violation of the Village Municipal Code and shall subject the owner or occupant of the premises to all penalties under law.

All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.

This constitutes the Decision of the Board of Trustees.

Dated: Mineola, New York
December 9, 2015

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 347-15

Resolved to approve the Incorporated Village of Mineola entering into an agreement with Standard Valuation Services for the purpose of preparing an appraisal for the vacant land (parking field) located at 1st Street and 3rd Avenue, Mineola, New York and authorizing the Mayor to execute the agreement.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		

Trustee George R. Durham
Trustee Dennis J. Walsh

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:25 PM

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		